

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING
Environmental Quality Building
168 North 1950 West – Room 101
Salt Lake City, Utah 84116
January 17, 2003
10:30 AM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Robert G. Adams	Ron Sims
Nan Bunker	Mayor Doug Thompson
Mayor Joe Piccolo	J. Ann Wechsler
KC Shaw	Bill Williams

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Faye Bell, Karin Tatum, Sidney Curnow, Ed Macauley, Kim Shelley, Walt Baker, John Whitehead, Peter Gessel, Judy Etherington, Jay Pitkin, Fred Pehrson

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Fred Nelson	Attorney General's office
Laura Lockhart	Attorney General's office
Barry Thomas	Mayor of Stockton
Brandon Thorpe	Utah DRC
Loren Morton	DEQ/Radiation Control
Doug Nielsen	Sunrise Engineering
Curtis Ludrigson	Rural Water Assn
Terral Dunn	Rural Water Assn
Paul Fulgham	Tremonton City
John Miller	Tremonton City
Paul Dremman	Trout Unlimited
Rex Ausburn	Boyle Engineering

Chairman Shaw called the Board meeting to order at 10:55 AM. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE DECEMBER 6, 2002 MEETING

Action Taken: It was moved by Mayor Piccolo, seconded by Dr. Sims and unanimously carried to approve the minutes of the December 6, 2002 meeting as written. Nan Bunker abstained since she wasn't at the December Board meeting.

Request to Adopt Rules Changes Regarding Adjudicative Proceedings: Ms. Lockhart from the Attorney General's office explained to the Board the purpose of the Administrative Rules.

The Board approved formal rulemaking at the October 18, 2002 meeting held in Vernal, Utah. The proposed rules were filed on November 15, 2002, and subsequently published in the Utah Bulletin on December 1, 2002. The end of public comment was December 31, 2002. No comments were received. This involves a new rule, R317-9, and amendments to several other rules to be consistent with the new rule.

Action Taken: Ms. Bunker moved that the Board approve the proposed changes. Mr. Adams seconded the motion and it was unanimously approved.

ENFORCEMENT UPDATE

Payson Settlement Agreement of NOV: Ms. Tatum explained that the settlement agreement addresses an NOV which was issued to Payson on May 29, 2002 by the Board and subsequent violations reported through August 15, 2002. In an effort to resolve this matter fully, Payson agreed to pay a penalty in the amount of \$9,300.00 and agreed to fund a mitigation project as described in the agreement in the total amount of at least \$6,900.00. The mitigation project involves enhancement of the wetlands located north of Payson's treatment facility.

LOAN PROGRAM

Financial Assistance Status Report – Mr. Curnow, updated the Board on the "Summary of Assistance Program Funds" as outlined under Tab 5.1. Mr. Shaw asked Mr. Baker to give an overview of what the impact would be if both the sales tax and the loan repayments are taken out of our program.

Stockton City (ACTION ITEM) – Mr. Macauley introduced Mayor Thomas of the Town of Stockton and Sattar Tabriz of Ward Engineering. Mr. Macauley explained that the Town of Stockton is requesting a Planning Advance in the amount of \$37,000 for a wastewater collection and treatment system study. The purpose of the study is to greatly expand the work completed in the 1996 Tooele County Facilities Planning Study by re-evaluating each of the treatment alternatives proposed in that Plan for the town of Stockton, identifying additional treatment alternatives and completing a wastewater collection and treatment system planning study. The project is being driven by the Town's realization that on-site wastewater treatment is not compatible with the high-density growth that was planned for the community when property was originally parceled into 40' x 100' lots. The Board members asked about future planning for the town and exploring alternatives to meet their wastewater needs.

Motion: Mr. Sims moved that the Board approve the staff recommendation. The motion was seconded by Ms. Wechsler and was unanimously approved by the Board.

OTHER ACTIONS

2003 Appointments to the Operator Certification Council: Ms. Etherington explained to the Board that the terms of two members, of the Operator Certification Council Lonn Rasmussen, representing certified collection operators, and Terrall Dunn, representing treatment operators; have expired; appointments are for a three-year term and Council members may be re-appointed. Recommendations to fill these two vacancies were solicited from the Utah League of Cities and Towns; the five Universities in Utah; the Association of Special Service Districts; the Water Environment Association of Utah (WEAU); the Rural Water Association of Utah; and other agencies. Upon consideration of the recommendations noted above and those of their peers, staff is recommending that Terral Dunn and Lonn Rasmussen be reappointed to fill the two vacancies.

Motion: Mr. Adams moved that the Board approve the staff recommendation to reappoint Terral Dunn and Lonn Rasmussen to the Operator Certification Council.

The motion was seconded by Ms. Bunker and was unanimously approved by the Board.

Tremonton City request for approval of an extension to the deadline: Ms. Shelley introduced Paul Fulgham of Tremonton City and John Miller, plant operator. Tremonton's permit renewal will include a more stringent limit for chlorine because of a change in the water quality standard for class 3C streams, which includes the Malad River. Mr. Fulgham explained that in order for them to meet the dechlorination required by the EPA, they are asking for an 18 month extension for compliance with the new TRC limit in accordance with UAC R317-1-3. He continued to explain that as a result of the change in standards, Tremonton City needed a reasonable amount of time to plan, design and construct facilities to meet the new limits now proposed in their UPDES discharge permit. He indicated that the additional time would also help them accumulate additional funds to pay for the improvements.

Motion: Mr. Adams moved that the Board approve the staff recommendation to grant Tremonton City an additional 18 months to meet the requirement. The motion was seconded by Mr. Sims and was unanimously approved by the Board.

STAFF REPORTS:

Overview of the new EPA CAFO rule and its affect on Utah Strategy for Animal Feeding Operations: Mr. Gessel explained to the Board that on December 16, 2002, EPA released a revised Concentrated Animal Feeding Operations (CAFO) rule, replacing the original regulations which were drafted over 25 years ago. Several changes have been made in the rule, including the exemption from permitting for operations that only discharge in large storm events; inclusion of dry poultry and heifer operations; and updated effluent limitations for permitted operations. The group that will likely see the most changes from the new rule are CAFOs that are already permitted. Enhanced reporting and recordkeeping, among other things, will be required of the facilities. Utah's current permitting program has helped the existing CAFOs to be well-prepared for the new rule by issuing permits to all large poultry and heifer operations and requiring the development of Nutrient Management Plans, which are a central part of the new rule.

Progress Report of the East Canyon TMDL Implementation: Mr. Whitehead presented to the Board a report of the East Canyon TMDL Implementation. He stated that significant efforts are being made in the East Canyon Watershed to address the identified water quality problems. Since the TMDL studies were completed and approved by EPA for East Canyon Creek and Reservoir (summer 2000), the Division and East Canyon Water Quality Advisory Committee have worked diligently to implement the TMDLs. Listed on Page 7.10 are the aspects of TMDL implementation in progress or that have been accomplished.

NEXT MEETING

The next Water Quality Board meeting will be held on March 17, 2003 in the St. George City Council Chambers, St. George, Utah @ 1:30 pm.

K. C. Shaw, Chairman